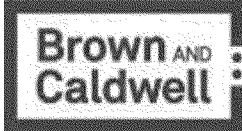


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August 17, 2017

Mr. Gerard Martin
Ms. Angela Gallagher
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

RE: City of New Bedford Phase III Submittal Comments:
Release Tracking No. 4-601
Former Aerovox Facility, 740 Belleville Avenue, New Bedford, MA
File No. ACO-SE-09-3P-016

Dear Mr. Martin and Ms. Gallagher:

On behalf of AVX Corporation (AVX), Brown and Caldwell submits this letter in response to the letter dated August 14, 2017 from the City of New Bedford (the City) to MassDEP regarding the Phase III Remedial Action Plan (RAP) for the Former Aerovox Facility located at 740 Belleville Avenue in New Bedford, Release Tracking Number (RTN) 4-0601 (the Site). As you know, AVX is undertaking response actions for the Site in accordance with the Administrative Consent Order (ACO) between AVX and the Commonwealth of Massachusetts dated June 3, 2010, File Number ACO-SE-09-3P-016, and submitted the Revised Phase III RAP on June 29 for MassDEP review and approval.

AVX acknowledges and appreciates the thoughtful and thorough review and response provided by the City to MassDEP in its August 14, 2017 letter. The overall tone and many of the points included therein reflect a positive and cooperative relationship that has been present as we work through the MCP process. However, AVX is compelled to offer the following points in regard to certain items raised by the City in its correspondence.

The City states that since the ACO and the Cooperation and Settlement Agreement between the City and AVX were signed in 2010, additional assessment has refined the magnitude of impact and the comingling of contaminants, and consequently that the original conceptual site model has been significantly altered. We disagree. Relative to the City's assertion:

- Results of site assessment work to date have found that PCB-impacted soils are present across a *smaller* area of the property than originally assumed when the agreements were finalized in 2010, so there is less "volume" of soil that needs to be addressed. In other words, the fundamental factual foundation for much of the City's comments is incorrect. As a result, *all* of the conclusions it draws are incorrect and inappropriate and cannot be basis, in part or in whole, for disapproval of the AVX preferred remedy.

- The discussion of the mass of contaminants either relocated (as planned in the selected alternative) or transported offsite (as preferred by the City) is an irrelevant measurement and data point in the context of a risk-based response action and achieving a condition of No Significant Risk. It is concentration, not total mass, that drives the Method III Risk Characterization, and ultimately remedy selection. Accordingly, MassDEP should set aside this discussion as irrelevant and immaterial for the purpose of a risk basis.
- Based on MassDEP's February 7, 2017 Written Determination Letter, AVX calculated the total PCB mass and then evaluated the impact of the total mass from the standpoint of how much mass has the potential to act as a source for groundwater contamination (if it stays in contact with groundwater), and how much mass is present immediately along the waterfront, and thus potentially vulnerable to storm flowage, flood events and similar resiliency/sustainability type scenarios.
- There is *not* an increased mass of PCBs at the Site over what was known or surmised previously. As noted in DEP's comment in the Written Determination Letter, EPA's 2006 conceptual model calculated there may be as much as 120 tons of PCBs. In fact, based on our findings, an estimated 93 tons were present within site soils. Roughly 6 tons have been removed as a result of the IRA, and an estimated 87 tons remain.
- The concentrations of PCBs in soil, upon which the total mass calculations are based, are similar to those already known to be present at the Site prior to 2010, and are documented in EPA's Administrative Record for the Non-Time Critical Removal Action and earlier EPA records. Any contention to the contrary is simply wrong.
- The comingling of chlorinated volatile organic compounds (primarily TCE) and PCBs was well known before the 2010 settlement, and was documented in EPA's annual groundwater monitoring results and in the 2008 near shore sediment excavation undertaken by EPA as part of the harbor cleanup.
- The effects of the comingling of TCE and PCBs under aqueous conditions in terms of relative mobility and solubility have not been studied or documented by research to our knowledge. The hypothesis that groundwater impacted with TCE increases the mobility of PCBs is not new, has previously been the subject of discussions with the City and EPA, and does not constitute a change from the original conceptual site model.
- With respect to the non-aqueous phase, the Revised Phase III RAP summarizes AVX's efforts that have included a line of evidence evaluation, numerous calculations, and recovery well installations to test the mobility (and hence recoverability) of the DNAPL. We have not found it to exhibit anything more than micro-scale mobility.

The City's letter also expresses reservations about including in the consolidation step the soils from the Titleist property. Relative to these concerns:

- AVX first entertained consolidating the Titleist soils at the City's suggestion in its comments on the original (or August 2016) Phase III RAP. The City recommended excavation of the waterfront soils and onsite consolidation, rather than

containment of the materials in place as originally proposed. The PCB contaminated soil on the Titleist property is a part of the Disposal Site, as the City concedes. Consolidation of the Titleist soils within the bounds of the Aerovox property does not represent an increased risk over what is already presented by existing site soil and groundwater contaminant concentrations. The division of the Site into operable units was meant only to facilitate a manageable Phase III evaluation, and should not be viewed as an impediment to implementing a remedy for the Site as a whole. Indeed, any segmentation of the Site would be inconsistent with achieving a comprehensive Disposal Site cleanup under the MCP. The City has come forward with no justification for such an approach and there is none.

- **The City's comments appear to suggest that** site soils that are impacted above the UCL be transported and disposed offsite, while only site soils below the UCL should be placed in the consolidation area. This suggestion of reducing the average concentration of PCBs in soils in the consolidation cell to below the PCB UCL of 100 ppm is not a viable solution. The soils immediately beneath the consolidation cell are already above that level, and nearly all the soil slated for placement in the consolidation cell is above that concentration. Therefore, this City proposed remedy is essentially the same as the alternatives for offsite disposal that have already been evaluated and rejected in the Phase III RAP.
- In yet another error, **the City's letter misstates the cost savings for including the** Titleist soils in the consolidation area. The actual incremental cost savings (versus transportation and offsite disposal) is \$4.1 million, not the \$8.1 million noted in the letter.

AVX understands, and the Revised Phase III RAP text already acknowledges, that in terms of non-pecuniary interests and community acceptance, the City would rather have more of the PCB-impacted material removed offsite. However, when this preference is weighed together with the other criteria and response actions performance standards provided in the MCP it falls far short of any justification for such an approach.

In sum, **AVX's** evaluation and conclusion have not changed, *i.e.*, when all factors are considered, the selected response action outlined in the Revised Phase III RAP is consistent with the MCP and protective of human health and the environment over the long term and is clearly the preferred response action.

Please do not hesitate to contact the undersigned if you have any questions or require additional information.

Sincerely,
Brown and Caldwell



Marilyn Wade, PE, LSP
Managing Engineer

Mr. Gerard Martin
Ms. Angela Gallagher
MassDEP
August 17, 2017
Page 4

cc: Michele Paul, City of New Bedford
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